

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

TONY DEWAYNE MOORE,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 2:07-CV-974-WKW
)	
MIKE MULL, et al.,)	
)	
Defendants.)	

ORDER ON MOTION

Upon consideration of the motion for qualified protective order filed by the defendants on December 7, 2007 (Court Doc. No. 11), and for good cause, it is

ORDERED that this motion be and is hereby GRANTED to the extent set forth in this order. It is further

ORDERED as follows:

The defendants are granted the right, upon compliance with applicable discovery provisions of the Federal Rules of Civil Procedure and orders of this court, to obtain from any health care provider, health plan or other entity covered by the Health Insurance Portability and Accountability Act ("HIPAA), 42 U.S.C § 1320d, *et seq.*, any and all information relating to the past, present or future medical conditions of the plaintiff made the subject of the present complaint, as well as any and all information relating to the provision of health care to such individual for these conditions and payment for the provision of this health care.

This order authorizes any third party who is provided with a subpoena requesting the

production of documents or commanding attendance at deposition or trial to disclose the protected health information in response to such request or subpoena. This order also authorizes any third party medical provider to provide an affidavit or declaration related to the past, present or future medical conditions of the plaintiff made the basis of the present complaint and any treatment provided to the plaintiff for such conditions. This order is intended to authorize such disclosures under the privacy regulations issued pursuant to HIPAA - 45 C.F.R. § 164.5129e)(1)(i).

The defendants are expressly prohibited from using or disclosing the protected health information obtained pursuant to this order for any purpose other than this action and the companion case filed by the plaintiff against these same defendants, *Moore v. Mull, et al.*, Case No. 2:07-CV-964-MHT-SRW. Additionally, the defendants are ordered to either return the protected health information to the covered entity from whom/which such information was obtained *or* destroy the protected health information (including all copies made) immediately upon conclusion of this action and the aforementioned companion case, *Moore v. Mull, et al.*, Case No. 2:07-CV-964-MHT-SRW. See 45 C.F.R. §§ 163.502(b) and 164.512(e)(1)(v).

Done this 10th day of December, 2007.

/s/ Susan Russ Walker
SUSAN RUSS WALKER
UNITED STATES MAGISTRATE JUDGE